

5105-~~00000000~~ 02 AUG 2001  
ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

AUG 02 2001

INTERNATIONAL APPLICATION NO.  
PCT/SE99/02300

## INTERNATIONAL FILING DATE

19378.0011

**U.S. APPLICATION NO. (If known, see 37 CFR 1.5)**

09/857,606

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/SE99/02300	8 December 1999	11 December 1998

## TITLE OF INVENTION

# ZIRCONIUM BASED ALLOY AND COMPONENT IN A NUCLEAR ENERGY PLANT

**APPLICANT(S) FOR DO/EO/US**

Mats Dahlbäck, Magnus Limbäck, Gunnar Wikmark

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  - This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. § 371.
  - This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
  - A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
  - A copy of the International Application as published (35 U.S.C. 371(c)(2)) WO 00/36170
    - is transmitted herewith (required only if not transmitted by the International Bureau).
    - has been transmitted by the International Bureau.
    - is not required, as the application was filed in the United States Receiving Office (RO/US).
  - A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  - Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - are transmitted herewith (required only if not transmitted by the International Bureau).
    - have been transmitted by the International Bureau.
    - have not been made; however, the time limit for making such amendments has NOT expired.
    - have not been made and will not be made.
  - A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  - A translation of the Annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. Below concern other document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

13.  A FIRST preliminary amendment.  
 A SECOND or SUBSEQUENT preliminary amendment.

14.  A substitute specification.

15.  A change of power of attorney and/or address letter

16.  Other items or information:

PCT/DO/EO/905

## **Response to Missing Requirements**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
09/857,606INTERNATIONAL APPLICATION NO.  
PCT/SE99/02300ATTORNEY'S DOCKET NUMBER  
19378.0011**X The following fees are submitted:****Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO.....	\$860.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) .....	\$690.00
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....	\$760.00
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....	\$1,000.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....	\$100.00

CALCULATIONS PTO USE ONLY

**ENTER APPROPRIATE BASIC FEE AMOUNT = \$0.00**Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

Claims	Number Filed	Number	Rate	
Total Claims	12 - 20 =	0	X \$18.00	\$
Independent Claims	1 - 3 =	0	X \$80.00	\$
Multiple dependent claim(s)(if applicable)			+ \$270.00	\$
<b>TOTAL OF ABOVE CALCULATIONS = \$0.00</b>				
Reduction by 1/2 for filing by small entity, if applicable.				\$
<b>SUBTOTAL = \$0.00</b>				
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$
<b>TOTAL NATIONAL FEE = \$1,130.00 paid 6/8/2001</b>				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40.00
<b>TOTAL FEES ENCLOSED = \$</b>				
				<b>Amount to be: Refunded \$</b>
				<b>Charged \$ 40.00</b>

- a.  A check in the amount of \$\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 19-5127; 19378.0011 in the amount of \$40.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-5127. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status

SEND ALL CORRESPONDENCE TO:

Edward A. Pennington  
 Swidler Berlin Shereff Friedman, LLP  
 3000 K Street, N.W., Suite 300  
 Washington, DC 20007-5116

  
 SIGNATURE  
Eric J. Franklin  
 NAME  
 37,134

Rec'd PCT/PTO 02 AUG 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mats Dahlbäck et al.

Serial No.: 09/857,606

Art Unit: To be assigned

Filed: June 8, 2001

Examiner: To be assigned

For: Zirconium Based Alloy and Component in a Nuclear Energy Plant

#3

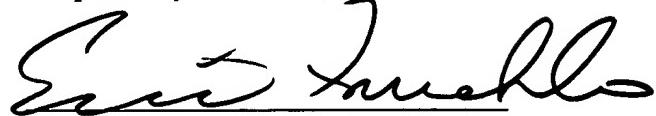
**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

The Notification of Missing Requirements mailed July 10, 2001 indicates that Applicant has not submitted a sequence listing. However, the above-identified application does not disclose any nucleotide or amino acid sequences. Therefore, Applicant respectfully requests withdrawal of this requirement.

Respectfully submitted,



Eric J. Franklin, Reg. No. 37,134  
Swidler Berlin Shereff Friedman  
3000 K Street, NW, Suite 300  
Washington, DC 20007  
Telephone: (202) 424-7605

Date: August 1, 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.	
09/857606	DAHLBACK	M 19378.0011	
		INTERNATIONAL APPLICATION NO. PCT/SE99/02300	
		I.A. FILING DATE 08 DEC 99	PRIORITY DATE 11 DEC 98
DATE MAILED: 10 JUL 2001			

EDWARD A PENNINGTON  
SWIDLER BERLIN SHEREFF FRIEDMAN  
3000 K STREET N W SUITE 300  
WASHINGTON, DC 20007 5116

JUL 1 2 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):
  - U.S. Basic National Fee.
  - Copy of the international application.
  - Oath or Declaration of inventors(s).
  - Copy of Article 19 amendments.
  - Priority Document.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
  - Indication of Small Entity Status.
  - Translation of the international application into English.
  - Translation of Article 19 amendments into English.
  - Other:
2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
  - U.S. Basic National Fee.
  - Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation  
 PTO-875  PCT/DO/EO/920

Barbara A. Campbell

Telephone: 703-305-3631

FORM PCT DO EO 905 (March 2001)

Docketed 7.12.01  
Response Due 9.10.  
Last Day 3

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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/857606		DAHLBACK	M 19378.0011
INTERNATIONAL APPLICATION NO.			
PCT/SE99/02300			
I.A. FILING DATE	PRIORITY DATE		
08 DEC 99	11 DEC 98		

DATE MAILED: 10 JUL 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CALL:

- (703) 308-4216, for Rules interpretation,
- (703) 308-4212, for CRF submission help,
- (703) 287-0200, for PatentIn software help.

Barbara A. Campbell

Telephone: 703-305-3631

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